

REMARKS/ARGUMENTS

1. Claims 1-43 are pending in the application.

- d) Summary of the Examiner's rejections.

The Examiner made the following rejections in the present Office Action.

Claims 1, 5-9, 11-18, 21-25, 29-32, 34-36, 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Papadimitriou, et al. (Papadimitriou), U.S. Patent No. 6,385,458 in view of Hefner et al. (Hefner), U.S. Pub. No. 20040142702.

Claims 2-4, 19-20, 26-27, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Papadimitriou in view of Hefner in view of Horn et al. (Horn), U.S. Patent No. 6,064,741.

Claims 10 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Papadimitriou in view of Hefner in view of McDonnell, et al. (McDonnell), Pub. No. 2002/0004399.

Claims 28 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Papadimitriou in view of Hefner in view of DeLoach, et al. (DeLoach), Pub. No. 2003/0125044.

Claims 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Papadimitriou in view of Hefner in view of Haverinen, et al., (Haverinen), Pub. No. 2003/0119481.

- d) Applicant's argument distinguishing Papadimitriou over the present amended claims.

Generally, each of the Examiner's rejections relies on Papadimitriou in view of Hefner, alone or in combination with another reference. The Applicant amended each of independent claims 1, 18, 22, 23, 24, 29, 30, 35, 36, and 43 to distinguish over Papadimitriou in view of Hefner. The Applicant also amended dependent claims 2, 19 to provide for proper antecedent basis. Therefore, the Applicant submits that all of the claims are now allowable over Papadimitriou in view of Hefner.

More particularly, each of independent claims 1, 18, 22, 23, 24, 29, 30, 35, 36, and 43 are amended to include, among other things, as exemplified in claim 1, for example:

“receiving a request for location information for a mobile station;

determining whether present location information for the mobile station is undesirable or desirable responsive to receiving the request;

performing location determination via a first set of at least one network entity to obtain desirable location information for the mobile station responsive to the request for the location information when the present location information for the mobile station is determined to be undesirable; and

performing location disclosure via a second set of at least one network entity to provide the desirable location information for the mobile station responsive to the request for the location information when the present location information for the mobile station is determined to be desirable.”

Support for this amendment may be found in the specification, for example, on page 2, par. 1003, page 3, par. 1008, page 6, par. 1028, and in the Abstract.

By contrast, Papadimitriou teaches, with reference to FIG. 2 and at col. 5, line 56 to col. 6, line 56, that location reporting is dependent on location estimation for each request for location information. The present application discloses on page 2, par. 1003 the disadvantages associated with such a dependent relationship.

At col. 5, line 56, Papadimitriou teaches: “At some point, a user will request the location of the terminal device. The LCS algorithm 200 will receive this request in a location request step 215.” (emphasis added) (i.e., a user’s request for a location estimate)

At col. 6, line 23, Papadimitriou teaches: “In the GMLC location estimate request step 235, a GMLC receives a location estimation request from a user and recognizes that the device being sought is currently in its network. Accordingly, the GMLC then sends a request for location information towards the terminal device, and more specifically, towards the LMUs servicing the terminal device being sought.

While the request for a location estimation is being sent towards the LMU, it will be processed.” (i.e., a system request for a location estimate)

At col. 6, line 41, Papadimitriou teaches: “Next, the LMUs servicing the terminal device use the priority information generated in the GMLC location estimate request step 235 to estimate the location of the terminal device to a predetermined precision in a location estimate step 245.” (i.e., determination of the location estimate)

At col., 6, line 50, Papadimitriou teaches: “After the LMUs estimate the location of the terminal device, the LMUs return the location estimate to the GMLC in a LMU response step 250. (i.e., providing the determined location estimate)

At col., 6, line 52, Papadimitriou teaches: Then, in a report location estimate step 255, the GMLC sends the location estimate to the user who requested the location estimate, and the LCS algorithm 200 terminates.” (emphasis added) (i.e., reporting the determined location estimate)

Throughout the LCS algorithm 200, shown and described with reference to FIG. 2, Papadimitriou teaches, from a forward processing point of view, that: the user's request for a location estimate causes the system to request, determine, and provide the location estimate, which causes the system to report the location estimate to the user who requested the location estimate.

Papadimitriou teaches, from an implied reverse processing point of view, that: the reporting of the location estimate to the user who requested the location estimate is integral to and dependent on the system requesting, determining and providing the location estimate, which, in turn, is integral to and dependent on the user's request for a location estimate.

In both the forward and implied reverse processing points of view, Papadimitriou teaches that each step of the LCS algorithm 200 are integrated with and dependent on a prior step. Further, Papadimitriou's teaching, at col., 6, line 52, that the “a user will request the location of the terminal device,” at col. 5, line 56, and that “in a report location estimate step 255, the GMLC sends the location estimate to the user who requested the location estimate ...,” (emphasis added) highlights the full

circle integration and dependency from a requesting user back to the same user who requested the location estimate.

Hefner teaches that the “MS transmits a location request, or a location update 10, request, to the network, and the network responds with a communication specifying mobile wireless communications device location technology support information.” (page 3, par. 0033)

The Applicant respectfully submits that the phrase “a location request, or a location update 10, request, to the network,” is grammatically incorrect, punctually confusing, and includes reference number 10 that is not shown in the drawings or anywhere else in the specification. Therefore, Hefner does not make it clear what the meaning of this phrase is intended to convey. For example, the phrase may include typos or extra words which may alter the intended or mis-intended meaning of the phrase. In other words, the phrase alone, without more, is not a reliable teaching of Hefner. Further, Hefner does not appear to provide any further support for the phrase at anywhere else in Hefner.

Alternatively, assuming that Hefner may teach –a location request or a location update request–, the Applicant respectfully submits that the present amended claims further distinguish over Hefner because Hefner does not teach or suggest, for example, at least the following:

- a) the distinction between a location request and a location update request;
- b) what determines whether a location request or a location update request is performed;
- c) how a location request or a location update request is performed; and
- d) when a location request or a location update request is performed.

The present amended claims further distinguish over Hefner's vague phrase “a location request, or a location update 10, request, to the network,” make the claims more definite, and address points a)-d) above, in a manner not taught or suggested by Papadimitriou in view of Hefner.

Therefore, although Papadimitriou teaching that location determination is performed for each request for location information before location disclosure, and

Hefner teaching that “MS transmits a location request, or a location update 10, request, to the network,” the present amended claims claim, for example:

“receiving a request for location information for a mobile station;

determining whether present location information for the mobile station is undesirable or desirable responsive to receiving the request;

performing location determination via a first set of at least one network entity to obtain desirable location information for the mobile station responsive to the request for the location information when the present location information for the mobile station is determined to be undesirable; and

performing location disclosure via a second set of at least one network entity to provide the desirable location information for the mobile station responsive to the request for the location information when the present location information for the mobile station is determined to be desirable.

The present application discloses advantages, associated with location disclosure being separate and independent from location determination, for example:

- a) conserving system resources,
- b) subsequent location disclosure to one or more applications,
- c) for a roaming mobile station, location determination may be performed via a serving network and location disclosure may be performed via a home network, and
- d) the ability to redesign each of the location disclosure and location determination functions, without affecting the other.

No new matter has been added by this amendment.

In view of the foregoing, Applicant submits that all pending claims are in condition for allowance. Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

If there are any other fees due in connection with the filing of the response, please charge the fees to our Deposit Account No. 17-0026. If a fee is required for an extension of time under 37 CFR 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Applicants therefore respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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